

JULY 17, 2017

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 18 2017

CASE NUMBER # 17cv748 RJ/KK

MATTHEW J. DYKMAN

CLERK

HABEAS CORPUS:

I NOW COME TO THIS COURT WITH THIS WRIT OF HABEAS CORPUS. SO THAT IT WILL NOW ORDER, THAT I BE GIVEN ALL OF THE TIME I WAS IN THE JAIL OR CONFINED IN THE METROPOLITA JAIL. I WAS ARRESTED FOR A PROBATION VIOLATION ON OR ABOUT APRIL 3, 2015. HOWEVER ON MARCH 12, 2015 JUDGE BROWN HAD SENTENCE ME TO 18 MONTHS AND THEN SCHEDULED THAT SENTENCE (SEE PAPER WORK) ON CASE: DISTRICT COURT: CR. 15-00718 - DA. 2015-00782-1. METRO COURT: 14-CR-201-001631. AND PUT ME ON PROBATION. AS FILED ON MARCH 12, 2015. ON MAY 3, 2015 AN ARREST WARRANT WAS ORDERED ON APRIL 13, 2015. (SEE PAPER WORK) FOR A VIOLATION OF PROBATION AND A HEARING WAS SO ORDERED ON TUESDAY APRIL 30, 2015. (SEE PAPER WORK) (CR. 2015-00718) (DA. 2015-00782-1-A) ASSISTANT DISTRICT ATTORNEY ALISA BERGER. BUT TELL SEPTEMBER 18, 2015 AT 9:43 AM PLEASE NOTE: THAT AS THE COURT PAPER DOES SHOW. JUDGE MARTINEZ DID NOT GIVE ME ANY OF THE TIME I WAS IN JAIL! BUT ONLY GAVE ME CREDIT FOR 16 DAYS CREDIT ON SEPTEMBER 19, 2015 (SEE PAPER "8 ENCL.") I NOW ASK THAT I BE GIVEN CREDIT FOR THE OTHER 160 DAYS I WAS IN JAIL ON THIS SAME PROBATION VIOLATION. (APRIL 28 DAYS MAY 31, JUNE 29, JULY 29, AUGUST 31, SEPTEMBER 10 DAYS) (160 DAYS TOTAL)

ONE 1

Name: HEAD, HERBERT GLENN  
Cause #: D-202-CR-2015-00718

### Details of Violation

HEAD, HERBERT GLENN, D-202-CR-2015-00718, has violated the following conditions of his/her Order of Probation:

1. STANDARD CONDITION 1-STATE LAWS I will not violate any of the laws or ordinances of the State of NM, or any other jurisdiction. I shall not endanger the person or property of another.

SUPPORTING EVIDENCE: By having failed to obey a law or ordinance of the state of NM, or any other jurisdiction, and endangering the person or property.

On 04/03/2015, Probationer Head was involved in a domestic dispute with his wife, Mary Head. According to the Criminal Complaint, Probationer Head was arguing with his wife and threatened to beat her up. The Criminal Complaint also stated that Ms. Head was afraid he would physically attack her. Ms. Head attempted to call 911 but Probationer Head took the phone out of her hand. Probationer Head's neighbors heard the argument and called law enforcement after they heard Probationer Head threaten to beat up Ms. Head. Albuquerque Police found Ms. Head's phone broken. The Criminal Complaint also stated that Ms. Head filed an emergency Restraining Order against Probationer Head after the incident. Probationer Head was taken into custody by Albuquerque Police Department and received new charges of Assault Against a Household Member and Interference with Communications.

2. STANDARD CONDITION 2-REPORTING I will report to my Probation/Parole Officer as often as required and will submit completed and truthful written reports as required by my Probation/Parole Officer. All communication with my Probation/Parole Officer will be truthful and accurate and I will promptly reply to any correspondence or communication I may receive from the Probation Office.

SUPPORTING EVIDENCE: By having failed to report to his/her Probation/Parole Officer as often as required and submit completed and truthful written reports. On 03/11/2015, Probationer Head was sentenced to 18 months Probation. Probationer Head failed to report to intake upon sentencing. Since Probationer Head failed to report to intake, Probation and Parole has no contact phone number for him. On 03/30/2015, This Officer mailed a letter to Probationer Head's listed address informing him that his probation was in jeopardy. The letter also instructed him to report in person and to contact this Officer. Probationer Head did not report and did not contact This Officer.

*I was in jail*

### Probationer's Version

According to the Criminal Complaint filed on 04/03/2015, Probationer Head told Albuquerque Police that Ms. Head took his credit card and emptied \$2,000.00 from it. Probationer Head stated that he and his wife were working on their marriage. He also stated that Ms. Head always accuses him of having affairs with other women.

### Previous Preliminary Reports or Arrests

None

### Adjustment

On 03/11/2015, Probationer Head began his sentence with the New Mexico Corrections Department for Possession of a Controlled Substance. Probationer Head failed to report for intake upon sentencing. On 04/03/2015, Probation Head received new charges of Assault on Household Member and Interference

**FILED**

4/13/2015 2:29 PM  
Second Judicial District Court  
Bernalillo County, NM  
James A. Noel

STATE OF NEW MEXICO  
BERNALILLO COUNTY  
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO  
V.  
HERBERT GLENN HEAD

No: D-202-CR-2015-00718

### NOTICE OF PROBATION VIOLATION HEARING

NOTICE IS HEREBY GIVEN that a hearing in this case has been set before the Honorable Michael E. Martinez, as follows:

Date of Hearing: Thursday, 30th day of April, 2015 at 8:30 AM  
Place of Hearing: Courtroom 334  
Second District Judicial Court  
400 Lomas NW  
Albuquerque, NM 87102  
Matter to be Heard:  
Comments: PV-PER PD  
Length of Hearing: 15 Minutes

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the Americans with Disabilities Act. Counsel or PRO SE persons may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

JAMES A. NOEL  
CLERK OF THE DISTRICT COURT

### CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of Bernalillo County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on 4/13/2015.

HERBERT GLENN HEAD  
JACQUELINE L. COOPER  
NEAL E. SPEER



JAMES A. NOEL  
CLERK OF THE DISTRICT COURT

*Megan Aragon*  
Megan Aragon, Court Clerk

NOTICE SENT TO MDC

File Copy

RP0024

FILED

SECOND JUDICIAL DISTRICT COURT  
BERNALILLO COUNTY, NM  
JAMES A. NOEL  
4/13/2015 2:55 PM

PATRICK ROMANCITO

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

CR: 2015-00718  
DA: 2015-00782-1A

STATE OF NEW MEXICO,

vs.

Herbert Head,  
DOB: 1951  
SSN: 5471

**ENTRY OF APPEARANCE**

**NOTICE OF ARREST WITHOUT WARRANT  
PURSUANT TO RULE 5-805, AND  
REQUEST FOR PROBATION VIOLATION HEARING**

The State hereby advises the Court that a notice of arrest, attached hereto, was received from Probation Authorities advising that Probationer violated his probation and was arrested on 04/03/2015, and recommending that probation be revoked. The State therefore requests this matter be scheduled for a probation violation hearing on the next probation violation calendar (no later than 05/03/2015).

Respectfully submitted,

\_\_\_\_\_  
Alissa Berger  
Assistant District Attorney

I certify that a copy of this Request was sent to the Public Defender on April 13, 2015.

\_\_\_\_\_  
Alissa Berger  
Assistant District Attorney

JM

ANALISA MORALES  
FILED IN MY OFFICE  
SECOND JUDICIAL DISTRICT COURT  
BERNALILLO COUNTY, NM  
JAMES A. NOEL  
5/8/2015 2:50 PM

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

No: CR 2015-00718  
DA # 2015-00782-1

STATE OF NEW MEXICO

v.

Herbert Head,  
DOB xx/xx/1951  
SSN Xxx-xx-5471

ADDENDUM TO MOTION TO REVOKE PROBATION

The State of New Mexico, in addition to the violations set out in the First Motion to Revoke Probation, filed April 13, 2015 alleges Defendant violated probation in the following way(s):

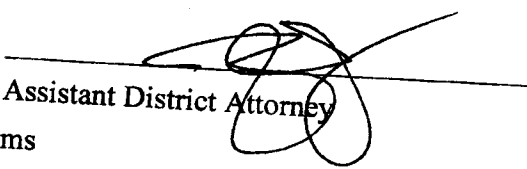
-On April 3, 2015, Defendant allegedly committed acts of domestic violence against Mary Head (T-4-DV-2015-1640). Defendant was under the influence of drugs and/or alcohol during this incident.

The State hereby puts Defendant on notice that it intends to prove this violation of probation at any subsequent settings in this cause number.

Respectfully submitted:

  
Zach Jones  
Assistant District Attorney

I certify that I sent a copy of this motion to  
Lucia Estrada, Probation Officer  
and Public Defender on 05/08/15

  
Assistant District Attorney  
ms

RP0039

FILED

8/27/2015 2:42 PM

Second Judicial District Court  
Bernalillo County, NM  
James A. Noel

STATE OF NEW MEXICO  
BERNALILLO COUNTY  
SECOND JUDICIAL DISTRICT COURT

FILED ON AUGUST 27, 2015

STATE OF NEW MEXICO  
V.  
HERBERT GLENN HEAD

No: D-202-CR-2015-00718

**NOTICE OF SENTENCING HEARING**

NOTICE IS HEREBY GIVEN that a hearing in this case has been set before the Honorable Michael E. Martinez, as follows:

Date of Hearing: Thursday, 10th day of September, 2015 at 1:30 PM  
Place of Hearing: Courtroom 334  
Second District Judicial Court  
400 Lomas NW  
Albuquerque, NM 87102  
Matter to be Heard: RESET FROM 8-13-15  
Comments: 15 Minutes  
Length of Hearing: 15 Minutes

THAT DID NOT  
TACK PLACE TILL! THURSDAY, THE  
TENTH DAY OF SEPTEMBER 2015!

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the Americans with Disabilities Act. Counsel or PRO SE persons may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

JAMES A. NOEL  
CLERK OF THE DISTRICT COURT

**CERTIFICATE OF SERVICE**

I, the undersigned Employee of the District Court of Bernalillo County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on 8/27/2015.

HERBERT GLENN HEAD  
RODERICK JUAREZ

By: Sent P

File Copy

RP0046

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

FILED  
SECOND JUDICIAL DISTRICT

2015 SEP 11 PM 3:41

*[Signature]*

STATE OF NEW MEXICO (DA)

v.

WESLEY HAZEN

HERBERT GLENN HEAD

No. D-202-CR-2015-00718

RECEIPT FOR EXHIBITS

Received of **EDWINA CASTILLO**, Official Court Reporter, from the Honorable Michael Martinez Pro Tem Judge, Probation Violation Division, the exhibits beginning with exhibit ID '15SEPT10 as entered on Exhibit List dated '15SEPT10, in the above styled and numbered cause.

EXHIBIT LIST ATTACHED

*I WAS NOT SENTENCED TO PRISON  
YET ON THIS DATE  
OK: SEPTEMBER 10, 2015!*

JAMES NOEL  
CLERK OF THE DISTRICT COURT

By: *[Signature]*  
Exhibit Clerk

WESLEY HAZEN

RP0047

**FILED**

8/27/2015 2:42 PM  
Second Judicial District Court  
Bernalillo County, NM  
James A. Noel

**STATE OF NEW MEXICO  
BERNALILLO COUNTY  
SECOND JUDICIAL DISTRICT COURT**

**STATE OF NEW MEXICO  
V.  
HERBERT GLENN HEAD**

**No: D-202-CR-2015-00718**

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JAMES A. NOEL  
CLERK OF THE DISTRICT COURT

**CERTIFICATE OF SERVICE**

I, the undersigned Employee of the District Court of Bernalillo County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on 8/27/2015.

RODERICK JUAREZ

By: \_\_\_\_\_

**HERBERT GLENN HEAD  
6901 LOS VOLCANES RD NW #Q-103  
Albuquerque NM 87121**

**RP0050**

FILED IN MY OFFICE  
SECOND JUDICIAL DISTRICT COURT  
BERNALILLO COUNTY, NM  
JAMES A. NOEL

9/18/2015 9:43 AM

CR: 2015-718  
DA: 2015-782-1

ON SEPTEMBER 18, 2013 AT 9:43 AM, I  
WAS SO THEN SENTENCE TO PRISON! BUT TILL  
THEN WAS I EVER CONVICTED OF A CRIM!

DOB: 4/23/51  
SSN: 5471

- ☒ COMMITMENT TO DEPARTMENT OF CORRECTIONS
- ☐ COMMITMENT TO METROPOLITAN DETENTION CENTER
- ☐ REINSTATING PROBATION
- ☒ UNSATISFACTORY DISCHARGE

On 9/10/15 this matter came before Pro Tem District Court Judge M. MARTINEZ upon State's Motion to Revoke Probation filed on 4/13/15, and appeared by Assistant District Attorney JONES, the Defendant and with Counsel, R. JIMENEZ, and admitted violating paragraph        of the Motion to Revoke Probation.

☒ admitted violating paragraph 7/9/15 of the Motion to Revoke Probation.  
☒ after hearing on 7/9/15, was found by the Court to have violated  
paragraphs 1, 2 of the Motion to Revoke Probation.

~~THE COURT FINDS that the defendant has violated the terms of probation, and  
ORDERS that the defendant's probation is hereby revoked.~~

☐ THE Court further FINDS that the defendant absconded from supervision and was a fugitive from justice for \_\_\_\_\_ days.

**The Court ORDERS that:**

**TERMS OF SENTENCE:**

- ☐ The defendant's conditional discharge is revoked.
- ☐ Sentence is now deferred for: \_\_\_\_\_
- ☐ The defendant's deferred sentence is revoked.
- ☐ Sentence is imposed as follows and suspended ☐ in whole ☐ in part :
- \_\_\_\_\_ for Count \_\_\_\_\_
- \_\_\_\_\_ for Count \_\_\_\_\_
- \_\_\_\_\_ for Count \_\_\_\_\_
- ☐ Counts \_\_\_\_\_ to be served concurrently. ☐ Counts \_\_\_\_\_ to be served consecutively.
- Rev. 2/09

SEE SENTENCE

**INCARCERATION**

☒ The defendant is sentenced to serve a term of 1,460 days beginning 9/10/15 in:

☐ Metropolitan Detention Center

☒ Department of Corrections

☒ The remaining balance is suspended without condition

☐ The balance of the sentence is suspended, and the defendant is reinstated on probation, after serving \_\_\_\_\_ days.

☒ Defendant shall receive pre-sentence confinement credit for 16 days not previously applied.

☐ Defendant has received credit for pre-sentence confinement.

(ONLY 16 DAYS CREDIT)

**MDC**

☐ Good time is ☐ authorized ☐ not authorized

☐ Community Custody (CCP) is ☐ authorized ☐ ordered

**DOC**

☐ Parole Term: \_\_\_\_\_ Year(s) ☐ Program recommended: \_\_\_\_\_

☒ As provided by law

**PROBATION REINSTATED**

Parole only.

☐ STEPS Program authorized

☐ STEPS Program un-authorized

☐ The defendant is placed on a new term of probation with all the conditions of the original probation.

☐ The new probationary period is \_\_\_\_\_ beginning \_\_\_\_\_

☐ Additional conditions of probation:

☐ Intensive Supervision Program (ISP)

☐ Community Corrections Unit (CCU)

☐ Counseling and treatment \_\_\_\_\_

☐ Defendant is to remain in custody until accepted.

☐ CCP is ☐ authorized ☐ ordered

**PROBATIONARY CREDIT**

☐ The term of incarceration imposed herein shall be credited against probation.

☒ Credit for all time served on the original probation.

☐ No credit for time served on the original probation: the new probation begins \_\_\_\_\_

☐ Credit for all time served on the original probation, except for \_\_\_\_\_ days of fugitive time.

**UNSATISFACTORY DISCHARGE**

☒ The defendant is unsatisfactorily discharged from probation.

APPROVED:

Rock Jones  
Assistant DISTRICT ATTORNEY

RJ/M  
DISTRICT JUDGE Pro Tem M. Martinez

approved via email 9/16/15  
COUNSEL FOR DEFENDANT R. J. Vazquez

*H92mt*

*all on 4-year habitual offender enhancement filed by the state.*

**INCARCERATION**

☒ The defendant is sentenced to serve a term of 1,460 days beginning 9/10/15 in:

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☒ Department of Corrections

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**DOC**

☐ Parole Term: \_\_\_\_\_ Year(s) ☐ Program recommended: \_\_\_\_\_

☒ As provided by law

**PROBATION REINSTATED**

*Parole only.*

☐ STEPS Program authorized

☐ STEPS Program un-authorized

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☐ The new probationary period is \_\_\_\_\_ beginning \_\_\_\_\_.

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**UNSATISFACTORY DISCHARGE**

☒ The defendant is unsatisfactorily discharged from probation.

APPROVED:

*Josh Juez*  
Assistant DISTRICT ATTORNEY

*RJ/M*  
DISTRICT JUDGE Pro Tem M. Sanchez

*approved via email 9/16/15*  
COUNSEL FOR DEFENDANT R. Juez

HERBERT G. HEAD

80498-EJ-B-114

ORDER OF THE COURT:

IT IS THE ORDER OF THIS COURT, THAT INMATE  
HERBERT G. HEAD BE GIVEN CREDIT FOR THE TIME HE WAS  
CONTAINED IN THE METROPOLITA DETENTION CENTER ON THIS  
CASE OF NO. 202-CR-2015-00718, THAT IS A TOTAL  
OF 160 DAYS OF PRE SENTENCES CONFINEMENT (WITH HALF  
TIME OF 320 DAYS REDUCTION OF SENTENCE AS WAS SO  
ORDER BY THE COURT). IT IS ALSO ORDER, THAT  
WITH THIS ORDER HE BE RELEASED ON PAROLE AT THIS  
TIME, (BECAUSE HE IS OVER HIS HALF TIME DATE FOR  
PAROLE.)

IT IS SO ORDER ON THIS DATE  
BY THE HONORABLE JUDGE:

IT IS SO ORDERED.

JUDGE:

to THE CLERK OF THE COURT PLEASE DO FORGIVE ME!  
I HAVE HAD BRAIN SURGERY too times I CAN'T SAY THAT THAT  
GOOD OR EVEN WRITE THAT GOOD, SO I DO WANT TO SAY "THANK YOU!"  
"FOR ALL THE HELP YOU HAVE GIVEN TO ME!" I AM OVER  
66 years old. I CAN SEE ANY MORE OR SPEEL THE WORDS. SEE  
IF YOU CAN GET A JUDGE TO LOOK AT THIS AND ORDER I  
GET OUT. SO I CAN GET THE SURGERY I NEED

THANK YOU FOR ALL OF YOUR HELP!

Sincerely yours

Robert Hood

Inmate Name: HERBERT HEAO  
Inmate Number: 84498  
CNMCF/CMRU/UNIT# E-18114  
P.O. Drawer 1328  
Los Lunas, NM 87031

FECH  
MAIL

**RECEIVED**  
At Albuquerque NM

JUL 18 2017

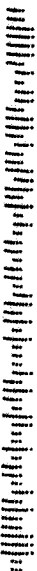
MATTHEW J. DYKMAN  
CLERK

Office of the Court Clerk

333 - Lomas Blvd. N.W.

Albuquerque, New Mexico 87102

8710282272 0023



NEC06081 750-6463-604  
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